

November 6, 2018

VIA ELECTRONIC FILING

Chairman Ajit Pai  
Commissioner Michael O'Rielly  
Commissioner Brendan Carr  
Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: MB Docket No. 05-311. Second Further Notice of Proposed Rulemaking:  
Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended  
by the Cable Television Consumer Protection and Competition Act of 1992

Honorable Chairman Pai and Commissioners O'Rielly, Carr, and Rosenworcel:

The Town of Marblehead, Massachusetts, through its Cable Television Advisory Committee, strongly opposes the Further Notice of Proposed Rulemaking (FNPRM), which proposes to allow cable companies to deduct the fair market value for a wide range of public benefits from their franchise fee obligations, namely public, educational, and government (PEG) channel capacity and transmission.

This proposal would potentially alter, at cable operators' discretion, the terms of the governing agreements between Local Franchising Authorities (LFA) and cable operators. If adopted, there will be significant reductions in cable franchise fees, depending on how the "fair market" value for PEG capacity and transmission is calculated within any given jurisdiction. The "fair market value" of such services may be impossible to discern and would likely be a source of litigation between cable operators and local governments. PEG programming would be severely limited, if not altogether eliminated. Our citizens watch Marblehead TV (MHTV) to monitor local government proceedings, and consume truly local programming. MHTV serves as an educational resource in our community, training residents ages 8 – 80 on how to create television that is uniquely relevant to our community. The potential loss of this public benefit alone should be concerning enough for the FCC to reject this FNPRM.

In addition, the FNPRM further threatens the use of local right of ways for non-cable related purposes.

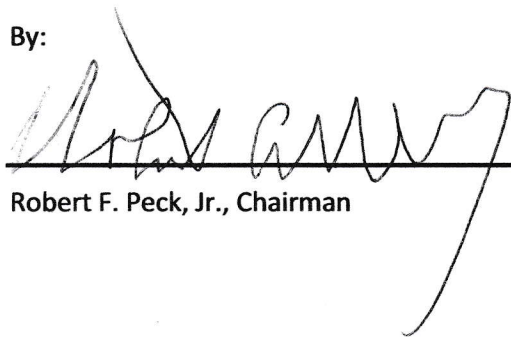
Local governments may lose their authority to manage a cable company's deployment of non-cable facilities, such as "small cells." As a result,

- Cable companies could potentially install "small wireless facilities" with little to no public input, without having to meet any aesthetic or equipment size requirements aimed to mitigate blight and preserve community character.
- Cable companies could use local rights of way for any purpose, regardless of the terms of the franchise, and avoid having to pay fair compensation to the local government for the use of publicly funded assets in the rights of way

For these reasons, the Town of Marblehead opposes the FNPRM and respectfully urges the FCC to reject the deterioration of PEG services and fair use of the public right-of-way.

Cable Television Advisory Committee

By:

A handwritten signature in black ink, appearing to read "Robert F. Peck, Jr.", is written over a horizontal line. The signature is stylized and cursive.

Robert F. Peck, Jr., Chairman